IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.75 OF 2007

Sharad Raojipant Khekale. ..Applicant.
Versus
1.Santosh Dinkar Khekale,
2.Dinkar Raojipant Khekale, &
3.The State of Maharashtra. ..Respondents.

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Ms.Chandan Salgaoncar Radia, Adv. for the Applicant.
Mr.Subodh Desai, Adv. for the Respondent Nos.1 & 2.
Mrs.A.S.Pai, APP, for Respondent No.3-State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : OCTOBER 23, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant, the learned Advocate for respondent Nos.1 & 2 and the learned APP for the State.

2. The present applicant is the original complainant in Criminal Complaint Case No.280 of 1999 and accused in Criminal Complaint Case No.337 of 1999. Criminal Complaint Case No.280 of 1999 is pending before the learned 4th J.M.F.C., Pune

and Criminal Complaint Case No.337 of 1999 is pending before the learned J.M.F.C., Nagpur. Criminal Complaint Case No.280 of 1999 is under Sections 406, 420 of IPC, whereas Criminal Complaint Case No.337 of 1999 is under Section 138 of the Negotiable Instruments Act.

3. The applicant has preferred the present application for transfer of the Criminal Complaint Case No.337 of 1999 which is pending before the learned J.M.F.C. Nagpur to the Court of the learned 4th J.M.F.C. at Pune. It is the case of the applicant that Criminal Complaint Case No.337 of 1999 has been filed by respondent No.1 only with a view to pressurise and harass the applicant. It is his ground that it is a false case and an application for transfer has been preferred belatedly by respondent No.1 after a period of more than seven years, only after the execution of NBW issued against respondent No.1.

4. The above mentioned grounds can hardly be said to constitute as good grounds for transfer. As far as the merits of both the cases are

concerned, the respective Courts will look into the merits of the said cases. In my view, no good ground is made for transfer of the said case. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)